

1 HONORABLE MICHELLE L. PETERSON  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILD FISH CONSERVANCY, )  
Plaintiff, )  
v. ) Case No. 2:20-cv-00417-RAJ-MLP  
BARRY THOM, *et al.*, ) SECOND DECLARATION OF  
Defendants. ) WILLIAM JOHN MCMILLAN  
\_\_\_\_\_  
)

I, William John McMillan, declare the following on the basis of personal knowledge to  
which I am competent to testify:

1. I have lived in at 40104 Savage Road in Concrete, Washington since 1998. Prior  
to 1998, I lived in Duvall, Washington from 1996 to 1998. I spent the remainder of my adult life  
in the Washougal, Washington area.

2. I am a founding member of Wild Fish Conservancy, previously known as  
Washington Trout. I helped found Wild Fish Conservancy to fill a void created by a lack of  
groups focused on wild fish issues in Washington. When we started Wild Fish Conservancy, we  
were largely focused on preserving and protecting fish rather than fish ecosystems because there  
was not much information available regarding the importance of salmon nutrients outside human

1 uses. However, in the 1990s, we learned through developing salmon science and literature that  
 2 salmon were important to the broader ecosystem, and vice versa. The board and staff of Wild  
 3 Fish Conservancy, myself included, quickly realized that protection of ecosystems and protection  
 4 of wild fish for the ecosystems had to be an important part of Wild Fish Conservancy's mission.  
 5 Since that progression of our vision for Wild Fish Conservancy, I have certainly considered an  
 6 important part of Wild Fish Conservancy's mission to include protection of wild fish for the  
 7 benefit of the broader ecosystem, including species that depend on wild fish, like bears, orcas,  
 8 and even raccoons.

10       3. I have been and still am a member of Wild Fish Conservancy since 1989 and I  
 11 make regularly financial donations to support the organization's efforts. I was employed by Wild  
 12 Fish Conservancy as a field biologist between November 1996 and 2007, when I retired. I  
 13 continue to volunteer for the organization by performing spawning surveys, sampling fish  
 14 carcasses, and assessing habitat changes, among other field activities.

16       4. I live on the Skagit River, the largest native salmon bearing stream in Puget  
 17 Sound. All of the streams in the Puget Sound ecosystem are in hard times right now, with fish  
 18 not returning and populations dwindling. Compared to most of the streams, the Skagit provides  
 19 significant remaining areas of healthy habitat for salmon, making it critically important for  
 20 keeping up fish populations, including Endangered Species Act ("ESA") listed Puget Sound  
 21 Chinook, steelhead, and bull trout populations.

23       5. I use and enjoy the Puget Sound ecosystem almost daily, through spawning  
 24 surveys and documenting my results in reports, walking along the streams, photographing the  
 25 ecosystem and fish, and fishing. I am an avid fisherman. I fish the Skagit 75–100 days per year—  
 26 virtually every day that conditions are good and the river is open for fishing—and I have fished a

1 number of other rivers in the Puget Sound ecosystem. I fish both because I want to try and keep  
 2 contact with wild fish to determine whether things are changing for the better or worse and  
 3 because I get spiritual enjoyment from connecting with nature while fishing.

4       6. My son lives on the Elwha River, and I go there and walk through, enjoy, and  
 5 observe that ecosystem as it recovers following dam removal. The Elwha used to have some very  
 6 large Chinook salmon return, sometimes 90 or more pounds. They never return at that size  
 7 anymore.

9       7. One part of my life in Puget Sound remains unfulfilled: I have never seen a  
 10 Southern Resident killer whale. I frequently intentionally create opportunities to do so, such as  
 11 by sitting on the deck of ferries in Puget Sound, one of the ideal spots for viewing orcas, but I  
 12 have yet to observe a Southern Resident killer whale and I fear I may never see one despite my  
 13 best efforts. If their populations increased, my chance of seeing one would increase.  
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15       8. I will continue to enjoy the Puget Sound ecosystem for the rest of my life. I intend  
 16 to remain in my house along the Skagit for the rest of my life, and as long as I can walk, I will  
 17 fish the Skagit. I also intend to continue fishing and enjoying the ecosystem of other rivers in the  
 18 Puget Sound regularly, and I will continue doing the fish surveys and supplementing my reports  
 19 with the data I gather.

20       9. While I continue to use the Puget Sound ecosystem, I am deeply concerned about  
 21 the harm commercial and sport fisheries in Southeast Alaska are having and will continue to  
 22 have on the Puget Sound ecosystem, particularly on Southern Resident killer whales and wild  
 23 salmon, including those with numbers so depleted that they are listed under the ESA, such as  
 24 Puget Sound Chinook salmon, and Lower Columbia River Chinook salmon, and Willamette  
 25 River Chinook salmon. These fisheries over harvest, depleting wild salmon populations and  
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1 depriving Southern Resident killer whales of their primary food source. I am concerned that the  
 2 National Marine Fisheries Service (“NMFS” or “NOAA Fisheries”) is neglecting its duties to  
 3 protect these species under the ESA, instead delegating its authority to manage the fisheries  
 4 without ensuring their protection. I am also concerned that NMFS is neglecting its duties under  
 5 the National Environmental Policy Act (“NEPA”) to fully evaluate its decisions related to the  
 6 fisheries. I am concerned that, without gathering the requisite information under NEPA and the  
 7 ESA, NMFS cannot possibly make informed decisions to ensure protection of Southern  
 8 Residents and ESA-listed salmonids that are harmed by the fisheries. I understand that, rather  
 9 than making an informed decision, NMFS is relying on hypothetical future mitigation measures  
 10 to offset current adverse effects on Southern Residents and ESA-listed Chinook from the  
 11 fisheries. I am concerned that the proposed mitigation—increasing hatchery production of  
 12 Chinook—will adversely impact wild salmonids, including ESA-listed salmonids. As I discuss  
 13 below, all of these effects and my concerns related to them in turn affect my scientific and  
 14 recreational use and spiritual and aesthetic enjoyment of the Puget Sound ecosystem and they  
 15 impact my ability to continue using the Puget Sound ecosystem as I have in the past. I believe  
 16 my concerns and the harm from NMFS’s actions would—at least in part—be remedied if NMFS,  
 17 the Department of Commerce, and their officials were made to comply with ESA and NEPA  
 18 before they take actions that could adversely affect ESA-listed species.

21       10. Today, I am primarily a fly fisher, but my love of fishing stems from learning  
 22 how to bait fish as a child. My father taught me how to fish, and I taught my son, daughter, and  
 23 grandchildren how to fish. Fishing is an important part of my family history.

24       11. I was born in Oregon City, on the Willamette River. Chinook and salmon were a  
 25 large part of our family history. My uncle, Edward, lived life-long on the Willamette River. I can  
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1 still remember when he won the Willamette Fall Fishing Derby in about 1952 by catching a  
 2 46.6-pound wild spring Chinook salmon. There are none of that size anymore, with the common  
 3 maximum about 30 pounds today, and most far smaller. Historically, a 1921 U.S. Fish  
 4 Commission report indicated that the average sport caught spring Chinook at Willamette Falls  
 5 was 25 pounds with those 50 pounds or more not uncommon. This is an example of the  
 6 increasingly small size of Chinook that has occurred over time making it more difficult for orcas  
 7 to survive. The returning Chinook are ever fewer, and ever smaller.

9       12. I grew up close to the Washougal River, which flows into the Columbia River.  
 10 Chinook returns in the mid-1950s were already greatly depleted, but there was still a small wild  
  11 run. When I was 11 or 12, I went fishing in the Washougal River with my dad. He hooked a very  
  12 large 40-pound wild Chinook while we were steelhead fishing. We were so excited about it as he  
  13 played for nearly an hour. All of a sudden, the hook pulled out, and he lost the fish. It remains a  
  14 great memory because it was so rare to see a Chinook like that in the Washougal.  
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16       13. The first anadromous fish I caught was in 1956 in the Camas Slough, a side  
 17 channel of the Columbia River where the Washougal River enters. It was a 21-inch wild  
 18 Chinook.

19       14. As soon as I was able to drive a car, I sought out opportunities to fish for wild  
 20 species wherever I could afford to go. I fish for many species of wild fish, including bull trout,  
 21 cutthroat and rainbow trout, winter and summer steelhead, Chinook salmon, coho salmon, pink  
 22 salmon, chum salmon, and sockeye salmon. While I greatly enjoy fishing for a diverse array of  
 23 wild fish, I feel that Chinook salmon are part of my spiritual identity, and the identity of my  
 24 family. I was born and raised on the Willamette and Columbia River systems, with the Columbia  
 25 noted as historically having the greatest runs of Chinook salmon anywhere in the world, and then  
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1 I moved to the Puget Sound area, so 100% of my life has been bound by the presence of Chinook  
2 salmon.

3       15. When I first moved to my current house in 1998, we were busy moving, and I did  
4 not have as much time to fish. But I was excited to live right on the Skagit River because I knew  
5 the river historically had good populations of Chinook and other salmon. As a boy I used to read  
6 that it was not uncommon for a 50- to 60-pound Chinook to win the Hope Island fishing derby  
7 off the mouth of the Skagit in the 1940s and 1950s, whereas those populations were depleted in  
8 the Washougal River where I fished a lot as a kid and young adult. I knew the populations had  
9 suffered since the 1950s, but I hoped there would still be a good run. And sure enough, the first  
10 fish I hooked in the Skagit was a very large 30- to 35-pound, beautiful wild Chinook, which I  
11 carefully released. Since that time, I feel guilty even hooking one in their comparative rarity and  
12 diminishing numbers that orcas require to be sustained.  
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14       16. I keep and eat the fish I catch whenever I can do so without causing damage to  
15 wild fish stocks. Accordingly, I no longer keep wild salmon or steelhead with most now  
16 protected from harvest when fishing in rivers due to ESA listings. However, I very much enjoy  
17 eating wild fish and wish their recovery could eventually allow me to do so.  
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19       17. I have fished the Nooksack, Stillaguamish, Cascade, Sauk, Suiattle, Elwha,  
20 Snoqualmie, Skykomish, and Dungeness rivers of Puget Sound as well as the Skagit in hopes of  
21 encountering wild salmon, trout, and steelhead, but wild fish are increasingly rare and the present  
22 and historical hatchery programs have contributed to the wild fish losses. I find it very  
23 discouraging to fish where there are aggressive hatchery programs because I know the harm  
24 these programs cause to the dwindling wild populations. We need to diminish these hatchery  
25 programs, not increase them.  
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1       18. I have fished in the rivers along the Washington coast many times. Most recently,  
 2 in 2019, I took a fishing trip with my son, and we fished the Hoh, Sol Duc, and Bogachiel  
 3 Rivers. We were primarily focused on sea run cutthroat trout, but we had hope of catching a  
 4 Chinook or Coho. I intend to return to these rivers and other rivers along the Washington coast to  
 5 fish, but increased hatchery production of Chinook on the Washington coast would negatively  
 6 impact any future fishing trips, as does continued overharvests in Southeast Alaska. I am not  
 7 only concerned about the impacts of increased hatchery on the wild populations, but I am also  
 8 concerned about the increased likelihood that I would see a hatchery fish Chinook on these trips,  
 9 which would only remind me of the dangerously low wild populations they have contributed to.

10      19. As I mentioned, I grew up on the Columbia River ecosystem, and fished the rivers  
 11 for Chinook. I later lived on the Grande Ronde River for several months in 1992 and again in  
 12 1994-1995 in the Snake River basin where I watched Chinook spawn. I also fished for steelhead  
 13 in the Clearwater and Imnaha rivers of the Snake basin, as well as the Grande Ronde in the  
 14 1970s to the mid-1990s where the few returning Chinook were also observed. After I moved  
 15 away in 1996, I returned a few times to fish with my son in the John Day and Wind Rivers in the  
 16 early 2000s, primarily for wild steelhead, which they were well managed for. But the Washougal  
 17 River, once our home, we no longer return to. My son and I got into too many confrontations  
 18 with people about continual illegal snagging of Chinook salmon due to massive hatchery plants  
 19 into a small river with subsequent creation of social problems along the river it resulted in with  
 20 negative consequences to all of its wild fish populations. The rivers in the Columbia River basin  
 21 that I used to fish were so intensively managed for hatchery fish that there were almost no wild  
 22 Chinook left to catch, much of the reason being overharvest in the resulting mixed-stock  
 23 fisheries as well as spawning interactions, juvenile competition, predator attractions to the  
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1 releases, and even predation by the hatchery juveniles themselves with evidence several times of  
 2 them disgorging just emerged wild fry. If there is a single place that demonstrates all that can go  
 3 wrong with hatchery Chinook programs, it is the Washougal—where wild Chinook are in  
 4 competition with the hatchery Chinook as juveniles and on the spawning grounds, and where  
 5 wild Chinook are getting snagged on return as intermixed with the hatchery fish. In the past 8-10  
 6 years a weir has been placed in the river intended to address the hatchery Chinook problem of  
 7 spawning with wild Chinook. But it has not worked out as well as planned because during high  
 8 flows the hatchery Chinook still get around the weir and onto the wild Chinook spawning  
 9 grounds. It also further aggravated the snagging problem as both Chinook and steelhead gang  
 10 below the weir with snagging attraction. In recent years there have been attempted corrections,  
 11 but problems remain. These sorts of experiences have essentially poisoned the Washougal for  
 12 me, and other Columbia tributaries I once fondly fished such as the Kalama and Klickitat, and I  
 13 have not returned to fish them since. I see no future for wild Chinook in the Columbia River  
 14 basin, and I have no incentive to ever return to the Washougal and other rivers in the Columbia  
 15 River basin that have Chinook hatchery programs. If hatchery programs ceased and harvests  
 16 reduced to a sustainable level, causing wild populations to increase, I could return to the rivers I  
 17 once loved to fish.

20       20. In 1972 I began writing about fishing. I began journal-writing as a hobby and later  
 21 had articles published as a freelance writer. I have had over 50 articles published in magazines  
 22 and books about fishing and conservation, including articles about fishing the Columbia River,  
 23 Puget Sound, and Olympic National Park streams. I co-authored a book in 2012 with my son  
 24 published with the title *May the Rivers Never Sleep* about wild fish conservation, and the  
 25 importance of the return of wild anadromous fish to river systems. *May the Rivers Never Sleep*  
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1 also discusses watching wild fish as an alternative to angling, something that is increasingly  
 2 necessary due to dwindling wild fish populations. As fish populations continue to decline, I find  
 3 that I prefer to watch wild fish in Puget Sound streams as an alternative to angling. Spending  
 4 time in the Puget Sound ecosystem observing the fish and wildlife is of great spiritual and  
 5 learning significance to me, but I do wish I could angle more frequently.  
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7       21. I also enjoy photographing native fish habitats throughout the Puget Sound  
 8 ecosystem, including in the Nooksack, Samish, Skagit, Baker, Cascade, Sauk, Suiattle,  
 9 Stillaguamish, Snohomish, Skykomish, Snoqualmie, Cedar/Lake Washington, Duwamish,  
 10 Dosewallips, Dungeness, Morse Creek, and Elwha basins and subbasins all of which I have  
 11 walked, surveyed, and/or photographed since moving to the Puget Sound area. My photographs  
 12 have appeared on several magazine and book covers. I enjoy photographing nature because I  
 13 love things that are visibly attractive and stir joy within. Wild fish are creatures of beauty and  
 14 perfection as determined by the rigors of natural selection. As wild fish populations continue to  
 15 diminish, I have fewer opportunities to photograph wild fish, which lessens my enjoyment of this  
 16 activity.  
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18       22. In addition to fishing and photography, I absolutely enjoy walking the tributaries  
 19 of the Skagit River in spawning season and documenting wild fish spawning numbers as related  
 20 above. I have done and continue to do spawning surveys along nine Skagit Basin tributaries and  
 21 one Elwha tributary in the Puget Sound ecosystem. To do these spawning surveys, I spend 100 to  
 22 200 days per year walking along the creeks and collecting data about spawning populations. I  
 23 share the survey findings with management agencies, tribes, and conservation interest groups. I  
 24 have produced five larger reports, varying in length from 40 to 250 pages, related to the survey  
 25 data, and I keep these reports on file on an Academia website and people from over ten countries  
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1 have accessed them. There are shared interests throughout the world for wild fish populations  
 2 and their habitat descriptions. I similarly access fishery papers from Canada, Asia, Europe, and  
 3 South America.

4       23. Based on my surveys, I have documented reasonably good numbers of wild  
 5 Chinook in some years at Finney Creek, a tributary to the Skagit River, with 30 to 50 wild  
 6 Chinook redds in it, which is always exciting to find, although far from historical levels. The  
 7 Chinook spawning at the other streams is less common and far below what the habitat could  
 8 support in all the streams. My way to keep in touch with Chinook in the Skagit basin is now  
 9 through spawning surveys. And while I wish I could fish for wild Chinook in the Skagit, I still  
 10 enjoy connecting with wild ESA-listed species through the surveys, particularly when the  
 11 numbers are more promising as they sometimes are.  
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13       24. I have also done a great deal of historical research on ESA-listed salmonids in  
 14 Puget Sound and throughout the Pacific Coast. I have provided reports to federal and state  
 15 agencies, including NOAA Fisheries, to address problems relating to fish mortality in the Puget  
 16 Sound ecosystem. For example, in 2006, I was asked to provide a presentation to the NOAA  
 17 Biological Review Team during their considerations for Puget Sound steelhead for listing under  
 18 the ESA due to my familiarity with wild steelhead history in Washington, Puget Sound, and as  
 19 distant as the Russian Kamchatka Peninsula and Alaska. In 2008, I was invited by the NOAA  
 20 Puget Sound Steelhead Technical Review Team to accompany them on a tour of the  
 21 Stillaguamish River and Sauk River (tributary of the Skagit River), and I provided them with a  
 22 report relating to the loss of early run timing for winter-run steelhead. Since then I have regularly  
 23 done volunteer steelhead and salmon spawning surveys on numerous tributary creeks in the  
 24 Skagit River basin with regular reports to Skagit Basin interests, including Washington  
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1 Department of Fish and Wildlife personnel, members of the NOAA Technical Review Team for  
 2 Puget Sound Steelhead, personnel from Skagit River System Cooperative Tribes, biologists from  
 3 Seattle City Light, and various fish conservation group leaders, employees, and/or members.

4 These reports have included tables and sometimes photographs of the findings sent to this list of  
 5 recipients regarding the species of fish found, when they spawn, how many spawn, where they  
 6 spawn, and the presence or absence of hatchery or farmed fish among the spawning populations.  
 7

8       25. While I can connect to ESA-listed salmonids through surveys, walking the rivers,  
 9 and sometimes fishing, I have never been able to connect with Southern Resident killer whales,  
 10 despite my best efforts. I regularly take the ferries in Puget Sound because my son lives in Port  
 11 Angeles and my daughter lives in Victoria, and I intend to continue to do so.

12       26. Due to the Covid-19 situation my most recent Puget Sound ferry rides were in  
 13 March 2020. In March of 2019 I took a ferry ride to, and a ferry ride from, Port Angeles to visit  
 14 my son, and in November and December 2019 and March 2020, I visited both by son in Port  
 15 Angeles and my daughter in Victoria, which required four ferry rides per trip. In total since  
 16 March 2019, I took 14 ferry rides. On these ferry rides, I sat in the enclosure area at the front of  
 17 the ferry, looking at the vista and hoping to encounter the site of an orca.

18       27. Prior years since about 2000, I have probably averaged three to four visits to my  
 19 son per year, or roughly six to eight ferry rides per year. In total, I have probably taken 130-160  
 20 ferry rides since 2000. On these trips, I almost always try to see an orca by standing on viewing  
 21 deck or sitting in the enclosed viewing area. I have seen gray whales and enjoyed other wildlife,  
 22 but I have never seen an orca.

23       28. Because of the coronavirus pandemic, I have not taken a ferry ride since March  
 24 2020, but I intend to increase my visits to my son and daughter with regular monthly visits after  
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1 the pandemic is over, so I will take roughly 48 ferry rides per year. I will continue sitting in a  
 2 viewing area and observing the Sound, trying to see an orca. While I enjoy viewing wildlife, my  
 3 experience would be more enjoyable if I saw an orca. Seeing just one killer whale would be a  
 4 highlight of my life. If Southern Resident populations increased, I would be more likely to see an  
 5 orca on my trips.

6       29. I will continue trying to see an orca on these trips, but I am not optimistic about  
 7 my chances unless their populations increase. I believe that, for their populations to increase,  
 8 they need more and bigger Chinook, which means the Southeast Alaska commercial and sport  
 9 fisheries must stop harvesting so many ESA-listed Chinook bound for Washington and the  
 10 Columbia River and that we must reduce harmful impacts from hatcheries. For Chinook to reach  
 11 the particularly large sizes that orcas require for the most caloric intake with the least feeding  
 12 effort, the Chinook have to commonly live to ages 4 to 7 years, as was far more common  
 13 historically than today. Ocean harvest pressures today, particularly in the Southeast Alaska area  
 14 where many Columbia, Willamette, and Puget Sound Chinook make their migrations, make it  
 15 unlikely that very many Chinook reach these older ages, and therefore larger sizes, that Southern  
 16 Residents require to better sustain themselves.

17       30. My pursuits in protecting and enjoying the Puget Sound ecosystem and wild  
 18 native fish are substantially diminished by the effects from NMFS's mismanagement of the  
 19 commercial and sport fisheries in Southeast Alaska. We are already suffering from river closures  
 20 and mandatory wild release sport fisheries because threatened and endangered fish populations  
 21 are so low, due to pollution, timber harvest, dams, hatcheries, warming streams and ocean, and  
 22 other harms, and this will only be exacerbated by the continued unlawful harvest of depleted  
 23 wild Chinook of Washington and Columbia origin at those fisheries.

1           31. I understand that, in this lawsuit, Wild Fish Conservancy alleges that NMFS, the  
 2 Department of Commerce, and NMFS and Department of Commerce officials violated and are  
 3 violating the ESA and NEPA for their actions related to the Southeast Alaska commercial and  
 4 sport fisheries. While I am generally concerned by their failure to gather all necessary  
 5 information and science and to let that science inform their decisions, one of my biggest  
 6 concerns with this is that they are planning future, hypothetical hatchery mitigation to offset  
 7 current, real impacts to ESA-listed species from overharvests. This concerns me because some of  
 8 the ESA-listed species, such as the Southern Residents, are on the brink of extinction now, and I  
 9 am concerned that they do not have time to wait for future mitigation. I am concerned about their  
 10 violations and the effects they have on wild native fish, ESA-listed species, the Puget Sound and  
 11 Washington ecosystems, and the public, all of which in turn impacts my interests and activities  
 12 now and in the future.

15           32. I am particularly concerned that the hypothetical mitigation will actually harm,  
 16 not mitigate, impacts to ESA-listed species, particularly wild Chinook and, in turn, species like  
 17 the Southern Residents that depend on Chinook salmon as prey. My understanding is that  
 18 hatchery Chinook programs have not resulted in greater returns and have not led to recovery of  
 19 ESA-listed Chinook. I think that if NMFS adequately consulted under the ESA, considered the  
 20 best available science, and conducted a thorough NEPA analysis in compliance with the law,  
 21 NMFS could understand the impacts its proposed mitigation will have on ESA-listed fish and  
 22 orcas. I will make my fishing decisions based on whether there are wild or hatchery populations  
 23 in a river, as I have no interest in fishing for hatchery fish, and I will be upset if I catch a  
 24 hatchery Chinook when I fish in Puget Sound and along the Washington coast.

1           33. While being mindful and respectful of the recovery of depressed fish population  
 2 and the adverse effects from the Southeast Alaska fisheries and the proposed mitigation on the  
 3 Puget Sound and Washington ecosystems, I will continue fishing, engaging in spiritual  
 4 observation, photographing, surveying, and researching in the area almost daily for the rest of  
 5 my life. While I will continue to enjoy the ecosystem regularly, my enjoyment would be  
 6 improved if ESA-listed species' populations increased, and if I did not have to worry about their  
 7 recovery while I try to engage with the species in their ecosystem. My enjoyment would be  
 8 improved if I knew NMFS was fully complying with the law, considering all the necessary  
 9 science, and using that science to make the best decisions for ESA-listed species.

11           34. I am very concerned that NMFS has not complied and is not complying with the  
 12 ESA and NEPA. The concerns from the adverse effects of the Southeast Alaska fisheries and  
 13 proposed hatchery mitigation diminish the enjoyment I get from fishing, walking along rivers,  
 14 surveying and documenting spawning, and photographing throughout the Puget Sound and  
 15 Washington ecosystems. The concerns also diminish my enjoyment of orca viewing from Puget  
 16 Sound ferries, because it makes me think of why I have never seen an orca, which is because  
 17 they are starving to death from lack of adequate food. My concerns would be remedied by a  
 18 court order requiring NMFS to comply with the ESA and NEPA before going forward with its  
 19 actions. I would certainly feel a lot better if NMFS consulted again to do a better job, considered  
 20 the best available science and reasonable alternatives, and actually required mitigation measures  
 21 that would mitigate the impacts to ESA-listed species, such as reduced harvests. I am very  
 22 distrustful of how ESA enforcement has progressed for Chinook and Southern Residents, but  
 23 compliance with more stringent measures would be welcome. Any reduction in harvest would be  
 24 a step in the right direction toward recovery. If NMFS lives up to its obligations under the law, I  
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1 would get greater enjoyment out of my activities in the Puget Sound and Washington  
2 ecosystems.

3 I declare under penalty of perjury that the foregoing is true and correct.  
4

5 Executed this 14<sup>th</sup> day of January, 2021 at CONCRETE Washington.  
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8 William John McMillan  
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